

1838-5-1

SEC. 1. That the inhabitants of the town of Terre-Haute are hereby declared to be a body corporate and politic, by the name and style of the "Town of Terre-Haute."

1838-5-2

SEC. 2. By that name they may have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended against in any court of law or equity.

1838-5-3

SEC. 3. They may contract and be contracted with, purchase lands, tenements, hereditaments, goods and chattels, and hold the same for the use and benefit of themselves and their successors, or for the same purposes, may sell, transfer and convey the same to others. They may also borrow money for the use of said corporation; and in case of a surplus at any time on hand above the immediate wants of the corporation, may loan the same at any interest not exceeding the rate of ten per cent. per annum, or invest the same in profitable stocks as may be deemed best and safest for the interests of such corporation.

1838-5-4

SEC. 4. Said corporation may have and use a common seal, and break and alter the same at pleasure, and make and enforce all by-laws and ordinances necessary for the good government and welfare of said town, not inconsistent with the constitution of the United States and the constitution and laws of this state.

1838-5-5

SEC. 5. The inhabitants thus incorporated shall be embraced within the following limits, viz: all the in-lots together with two tiers of out-lots on the north, three tiers on the east, one tier on the west, two tiers on the south side, east of Marker street, and one tier south on the west side of Market street, including out-lots 30 and 31, and running due west to the Wabash river, and those limits shall forever remain the same unless altered by law. The common council shall however, from time to time in their discretion, change the wards of said town in order to equalize the same as near as practicable in regard to property and population, neither increasing or diminishing the number thereof, but until such change is made, the five wards or districts of said town, as at present defined, shall be the established wards of said corporation.

1838-5-6

SEC. 6. The officers of the corporation shall consist of a mayor, ten council men, an assessor, a collector, a treasurer, a clerk, and a marshall.

1838-5-7

SEC. 7. The mayor shall be elected by the qualified voters residing within the limits of the town, triennially, and shall hold his office for the term of three years, and until his successor is chosen and qualified.

1838-5-8

SEC. 8. The councilmen shall be elected by the qualified voters in their respective wards, two in each ward, annually, and shall hold their offices one year each until their successors are chosen and qualified.

1838-5-9

SEC. 9. The assessor, collector, treasurer, clerk, and Marshal, shall be appointed by the common council, and shall hold their offices during good behavior, subject however to removal at the pleasure of said board. Except as in this act provided, it shall be the duty of the common council to fix the compensation of said officers so by them appointed, and the same to increase or reduce at pleasure.

1838-5-10

SEC. 10. The mayor and councilmen shall constitute a board to be called the Common Council, of which the mayor shall be ex officio the president.

1838-5-11

SEC. 11. Six members of the common council, exclusive of the mayor, shall constitute a quorum for the transaction of business, and in case of the absence of the mayor, or in case of a vacancy in his office, may elect one of their number president pro tempore of said council.

1838-5-12

SEC. 12. It shall be the duty of the mayor to preside at all meetings of the board, unless pending questions in which he may be personally interested; but he shall only be entitled to a vote on questions where the board doing county business shall be equally divided, and in all such cases he shall give the casting vote.

1838-5-13

SEC. 13. In case of a vacancy in the office of mayor, such vacancy shall be filled by a new election, two weeks notice thereof being give by the common council in some public newspaper printed in the town of Terre Haute.

1838-5-14

SEC. 14. In case of vacancy in the office of any councilman, such vacancy shall be immediately filled by the board of councilmen—such appointment to continue until the next regular annual election, and until a successor to such person so appointed is chosen and qualified.

1838-5-15

SEC. 15. A full and accurate record of the proceedings of the common council, shall be kept by the clerk, and each days proceedings shall be signed by the president and attested by the clerk; which proceedings shall be subject at all times to the inspection of any citizen of the town who is a qualified voter thereof.

1838-5-16

SEC. 16. It shall be the further duty of the president to sign all laws, ordinances and decrees of a public nature, and the duty of the clerk to attest the same before their publication.

1838-5-17

SEC. 17. Before entering upon the duties of his office, the mayor shall take an oath or affirmation, before some officer authorized to administer oaths, and also give bond made payable to the "town of Terre-Haute," in the penalty of one thousand dollars with security, to be approved of by at least six councilmen, for the faithful discharge of his duties, which bond shall be deposited in the clerk's office of the county of Vigo for the benefit of the corporation, or any person aggrieved.

1838-5-18

SEC. 18. The mayor so elected and qualified, shall have the same jurisdiction and power, in both civil and criminal cases, which justices of the peace in and for the township of Harrison in the county of Vigo have; and his jurisdiction shall extend to all cases of violation of any of the by-laws, ordinances, regulations or decrees of the common council, in regard to every matter whatsoever.

1838-5-19

SEC. 19. Said mayor shall have the same power to issue process in all cases within his jurisdiction, shall proceed in the same manner, and be entitled to the same fees as justices of the peace. He shall keep a docket which in all respects shall have the same effect as a docket of a justice of the peace, and the parties to any suit before him, shall have the same right to a change of venue, to trial by jury, and to an appeal to the circuit court, as if the suit were instituted and pending before a justice of the peace.

1838-5-20

SEC. 20. It shall be the duty of the marshal to serve and return all process issued by the mayor, and his power for this purpose shall be co-extensive with the county of Vigo. He shall attend all trials before the mayor, and shall be entitled to the same fees as constables for like services, and shall in addition to being the executive officer of the common council, be a peace officer within the town. In case of the absence or inability of the marshal, the mayor may direct process to any constable of Harrison township, who shall serve and return the same as in other cases.

1838-5-21

SEC. 21. No person shall be incompetent to be a witness or juror in suits for the violation of any by-law, ordinance, or decree of the common council, because such person may be a citizen of the town.

1838-5-22

SEC. 22. The stated meetings of the common council shall be on the first Monday in each month in the year, and special meetings may be

called at any time, the councilmen being thereof duly notified.

1838-5-23

SEC. 23. The councilmen and the assessors, collector, treasurer, clerk and marshal, shall severally be sworn faithfully to discharge their duties before entering into office, and the treasurer, collector and marshal shall severally give bond payable to the "Town of Terre Haute," in such penalty as may be required by the common council for the faithful discharge of their duties, and for faithfully accounting for all moneys or property that may come into their hands by virtue of their respective offices, the security to be approved of by the common council, which bonds shall be filed in the clerk's office of the county of Vigo, for the benefit of the corporation or any person aggrieved.

1838-5-24

SEC. 24. In case of the rendition of judgment upon any bond taken by virtue of this act against the makers thereof, no stay of execution shall be allowed thereon; and in all prosecutions upon any official bond given by virtue of this act, the same shall be instituted in the Vigo circuit court.

1838-5-25

SEC. 25. Every qualified elector of this State, not a pauper, who shall have resided in the town of Terre Haute for six months next preceding the election, shall be entitled for mayor and councilmen of said town.

1838-5-26

SEC. 26. An election for mayor shall be held at the court house, or some other convenient place in Terre Haute, on the first Monday in May, 1838, and on the first Monday in January, tri-ennially, thereafter, between the hours of ten, A.M. and four, P.M. of said day, of which election there shall always be two weeks notice given, in some newspaper printed in said town. Of the first election of mayor, to be held by virtue of this act, notice shall be given by the existing board of trustees of said town, and of all subsequent elections for the same office, notice shall be given by the common council.

1838-5-27

SEC. 27. On the first Monday in May next, and on the first Monday in January, annually thereafter, polls shall be open in each of the five wards of said town for the election of two councilmen in each of said wards, at which election all persons authorized to vote for mayor, shall be entitled in their respective wards to vote for councilmen, notice of such elections to be given for the same period and in the same manner as provided in case of the election of mayor; Provided however, That whenever an election of mayor and councilmen occurs on the same day, separate polls shall be opened for mayor and councilmen in the ward at which the votes are taken for mayor; but nothing herein shall prevent the judges and clerk in such ward from acting as judges and clerk of both of said elections, separate and distinct lists being always

kept of the votes thus received.

1838-5-28

SEC. 28. all votes for mayor and councilmen shall be by ballot, and any person voting out of the ward of which he is a resident, for councilmen, shall be deemed guilty of a high misdemeanor, and on conviction there by presentment or indictment in the circuit court of Vigo county, shall be fined in any sum not exceeding one hundred dollars; and any person voting more than once at the same election for the same office, whether for mayor or councilmen, shall be liable to the same penalty in the same manner.

1838-5-29

SEC. 29. In the first election for mayor, by virtue of this act, the president of the existing board of trustees, shall with two other qualified voters of said town, to be by him selected, act as judges of said election, they being first sworn faithfully to discharge their duties as such. After being sworn, they shall select some qualified voter of the town, as the clerk of such election, who shall also be sworn in like manner: Provided however, That in case of the absence of such president, some other qualified voter of the town may be selected in his stead, by the electors present, who shall then be invested with the same powers.

1838-5-30

SEC. 30. When so qualified as aforesaid, said judges shall proceed to receive and count the votes given, and the clerk to keep a correct list thereof; and on the day subsequent to such election, said judges under their hands and seals shall certify to the clerk of the existing board of trustees the name of the person receiving the highest vote, who shall thereupon be deemed duly elected mayor, which certificate shall be filed, and recorded by said clerk on the records of said board.

1838-5-31

SEC. 31. When such certificate shall be so filed, it shall be the duty of the clerk of said board to make out and deliver to the person so elected, a certificate of election, which shall be a sufficient and full authority to said person to exercise the powers delegated to him by this act after giving bond and taking the oath required by law.

1838-5-32

SEC. 32. In the election of councilmen at the first election held by virtue of this act, the existing trustee of the proper ward, or in case of his absence some other person who is a qualified voter of the ward, to be selected by the persons present, together with two other qualified voters of said ward to be by him selected, shall act as judges of this election in such ward, after being duly sworn faithfully to discharge their duties as such. They shall also select in the same manner some qualified voter of the ward, to act as clerk of such election, who shall be sworn in like manner. In all elections for councilmen, the same rule shall be observed in receiving and counting votes, and in keeping a list

thereof, as is observed in the election of mayor. On the day subsequent to such election, the judges thereof shall certify the names of the two persons receiving the highest number of votes, as duly elected councilmen for said ward, to the clerk of the board of trustees as aforesaid, which certificate shall be filed and recorded as aforesaid, and when so filed, a certificate of such election shall be made out by said clerk, and delivered to the persons thus elected: Provided, however, That in the ward where the mayor's election is held, the same judges and clerk may act as judges of the election of mayor and councilmen.

1838-5-33

SEC. 33. In all elections subsequent to 1838, for mayor and councilmen, the same rules and regulations shall be observed, except that instead of president of the board of trustees, acting as a judge at the mayor's election, and instead of the trustees of the proper wards acting as a judge at the elections in the respective wards, it shall be the duty of the common council to appoint some proper persons to fill their respective stations, who shall be termed inspectors of elections; and when so appointed, they shall with two other qualified voters of said town to be by them selected, conduct such elections in the manner prescribed in the foregoing sections.

1838-5-34

SEC. 34. No person shall be eligible to the office of mayor or councilman, unless he is a qualified voter and a freeholder of said town.

1838-5-35

SEC. 35. In all elections after 1838, a certificate of election shall be made out by the clerk of the common council, and delivered to the person duly elected, such election having been first certified to the clerk, by the judges thereof, as is provided in the foregoing sections of this act, and in all cases a record of the certificates of said judges shall be kept by said clerk.

1838-5-36

SEC. 36. The common council shall have power to assess annually against each male inhabitant of the town who shall be twenty-one years of age, sane and not a pauper, a poll tax not exceeding fifty cents, and upon all lands, tenements, hereditaments and the appurtenances thereunto belonging, and upon such goods and chattels as they shall from time to time designate, a tax not exceeding one half of one per cent. on the full value thereof, and to fix the rates of all licenses to retailers of spiritous liquors at such sum as they may deem best for the interests of said town.

1838-5-37

SEC. 37. Said council on or before their stated meeting in February in each year, shall determine what goods and chattels if any, shall be assessed and taxed, and thereupon the clerk shall forthwith make and deliver to the assessor a copy of the assessment roll of the previous year

together with a precept under the seal of the corporation, commanding him in the name of the common council, on or before the first Monday in May then next, to make and return to said council, a complete list of all persons liable to the poll tax as aforesaid, and of all lands, tenements, hereditaments, goods and chattels liable to be assessed and taxed by the order and determination of said council, with the names of the owners and a just and fair valuation of all such property.

1838-5-38

SEC. 38. The assessor shall execute and return such precept according to the command thereof, carrying out said list in the alphabetical order of the names of all persons liable for such taxes, and every such assessment shall be made or taken as if made on the first Monday of April annually, from which time the taxes of the then current year shall be a lien upon the property assessed, and a charge against the owners of such property until paid.

1838-5-39

SEC. 39. On the first Monday in June, 1838, and annually thereafter on the first Monday in May, the common council shall determine the rate per centum of the tax to be levied on the assessment aforesaid, and thereupon the clerk shall forthwith make and deliver to the collector an alphabetical list of the persons named in the assessment roll and the amount of tax of the current year and of the delinquent taxes of the preceding years chargeable against each, specifying whether the same is a poll or property tax, and if the latter, concisely describing the property; together with a precept under the seal of the corporation, commanding said collector in the name of the common council to collect the taxes charged in said list, and that he return said precept and list and pay over to the treasurer the moneys so collected on or before the first Monday in December then next.

1838-5-40

SEC. 40. The collector shall on or before the first Monday in September, demand payment of the taxes of the persons charged therewith respectively, or at their most usual place of residence, and upon payment thereof, he shall receipt therefor, specifying the year and the amount of such tax.

1838-5-41

SEC. 41. If any tax shall not be paid on or before the first Monday in September, the collector shall proceed to collect the same by distress and sale of the goods and chattels of the person charged therewith, or of the goods and chattels found on the lands, tenements or hereditaments upon which the unpaid tax was assessed, giving ten days notice of such sale by written or printed advertisements put up in three of the most public places in said town.

1838-5-42

SEC. 42. If no good and chattels can be found out of which to make the taxes due from any person as aforesaid, the collector after giving

four weeks notice thereof in a newspaper of the town of Terre Haute and by a written or printed advertisement put up at the court house door of the county, may on the second Monday in November between the hours of ten o'clock A. M. and four o'clock P. M. of said day, proceed to sell at public auction before the court house door the rents and profits of all such lands, tenements and hereditaments as may be found in said town being the property of such person from whom said taxes are due, for the shortest time the same can be sold for and produce the amount sufficient to discharge said taxes and the costs of such sale, and in case the sale of the rents and profits will not produce the sum required, the collector shall sell the fee simple or entire interest of the owner thereof to the highest bidder for cash in hand, and after deducting the amount of taxes and costs as aforesaid shall pay the residue if any there be to the person thus charged with taxes.

1838-5-43

SEC. 43. In case of a sale of the rents and profits of any property as in the preceding section provided, the collector shall give to the purchaser a certificate of the sale, describing the property sold, the period for which it was sold, and specifying the amount of taxes and costs for which the same was sold, which certificate, if all the proceedings relating to the tax and sale were regular, shall vest in the purchaser and indefeasible title to the property for the time therein specified, and it shall be prima facie evidence of the regularity of such proceedings: Provided however, that any person interested therein may redeem the property so sold, by paying to the purchaser, or the clerk of the corporation for such purchaser at any time afterwards the amount for which the same was sold, together with fifty per centum thereon and all taxes thereon which have accrued since such sale and been paid by such purchaser.

1838-5-44

SEC. 44. In all cases of the sale of the fee simple of any lands, tenements and hereditaments as hereinbefore provided, the collector shall execute to the purchaser a conveyance therefor, which conveyance, provided all the proceedings prior to such sale were regular, shall vest in the purchaser a perfect and indefeasible title in fee simple to the property thus conveyed.

1838-5-45

SEC. 45. The collector besides the cost of printing shall be allowed ten per centum on all taxes collected by distress and sale of either real or personal property, to be paid out of the proceeds of such sale as a compensation for such services, and he shall specify in his return to the precept what taxes have been thus collected, describe the property sold, and name the purchaser, and in case of the sale of the rents and profits of real estate, specify the amount and time for which the same sold. He shall also in such return state what taxes if any remain unpaid for want of property out of which to make the same, and shall moreover make oath that his return is just and true to the best of his knowledge and belief, which oath shall be endorsed thereon. He shall also give notice

to the council of all omissions or other mistakes in the assessment and tax rolls which may come to his knowledge, that the same may be corrected.

1838-5-46

SEC. 46. The common council shall at all times have full power to refund any moneys wrongfully collected as taxes, and to correct any assessment or tax list, by adding thereto or subtracting therefrom as to them shall seem right.

1838-5-47

SEC. 47. The common council in addition to the powers hereinbefore granted, shall have the management and control of the finances and of all property both real and personal belonging to the corporation and shall have power within said town to make, establish, publish, alter, modify, amend, and repeal ordinances, rules, regulations and by-laws for the following purposes:

1. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice within said town.

2. To prevent, restrain, prohibit and punish all descriptions of gaming in said town.

3. To regulate or prohibit the exhibitions of common showmen and of shows of every kind, or the exhibition of natural or artificial curiosities, caravans or circuses.

4. To prevent any riot or noise, disturbance or disorderly assemblages in said town.

5. To suppress and restrain disorderly houses and groceries, house of ill fame, billiard tables, nine or ten pin alleys or tables and ball alleys, and to authorize the destruction and demolition of all instruments for the purposes of gaming.

6. To compel the occupant or owner of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort or convenience of the inhabitants of said town, at the discretion of said council.

7. To direct the location of all slaughter houses, markets and houses for storing powder.

8. To regulate the keeping and conveying of gun powder and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

9. To prevent horse-racing, immoderate riding or driving in the streets.

10. To prevent the incumbering of the streets, sidewalks, lanes, alleys, wharves and docks, with carriages, carts, sleighs, drays, sleds, wheel-barrows, boxes, lumber, fire-wood, timber, or any other substance or material whatsoever.

11. To regulate and determine the times and places of bathing and swimming in the river near the town.

12. To restrain and punish vagrants, mendicants, street-beggars and

common prostitutes.

13. To restrain and regulate the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the costs of the proceedings.

14. To prevent the running at large of dogs, and to authorize the destruction of the same when at large contrary to any ordinance of the town.

15. To prohibit any person from bringing, having or depositing within the limits of the town, any dead carcass or other unwholesome substance, and to require the removal or destruction of any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind by the person on whose premises the same may be found, and on his default, to authorize the removal or destruction thereof by some officer of the town.

16. To prohibit the rolling of hoops, playing at ball, flying kites or any other amusement or practice, having a tendency to annoy persons passing the streets or endanger their safety, or to frighten teams or horses within the town.

17. To compel all persons to keep the snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them.

18. To prevent the ringing of bells, blowing of horns, trumpets and bugles, and crying of goods or other things within the town.

19. To abate and remove nuisances, and for this purpose the jurisdiction of said corporation is hereby extended to the distance of one half mile beyond the limits of the town in every direction.

20. To regulate and restrain runners for boats and stages.

21. To regulate the burial of the dead and provide for the security and sanctity of the public burying ground.

22. To provide for the keeping and returning to the council bills of mortality, and to impose penalties on physicians, sextons and others for any default in this respect.

23. To regulate guaging, the place and manner of weighing and selling hay, of measuring and selling wood and lime, or measuring or weighing and selling coal, and to appoint suitable persons to superintend and conduct the same.

24. To appoint watchmen and prescribe their powers and duties.

25. To regulate cartmen, draymen, cartage and drayage.

26. To regulate the police of said town.

27. To regulate the quality of bread offered for sale, and provide for the seizure and forfeiture of bread of a different quality.

28. To establish, make and regulate public pumps, wells, cisterns, reservoirs, and prevent the unnecessary waste of water.

29. To establish and regulate public pounds.

30. To establish market houses, and prescribe the regulations thereof.

31. To provide by insurance or otherwise for the security of the property of the corporation.

32. To prevent the firing of guns, pistols, and prohibit all fireworks within said town.

33. To purchase fire engines and organize fire companies.

34. To prohibit the selling by retail of any spirituous liquor or ardent spirits to be drank in the shop, store, grocery, out-house, yard or garden owned or occupied by the person selling the same without a license from the said common council.

35. To prohibit the selling or giving away of ardent spirits or other intoxicating liquor to any child, apprentice or servant, without the consent of his or her parent, guardian, master, or mistress.

1838-5-48

SEC. 48. The common council shall have power from time to time to appoint such additional assistant marshals, constables, or other officers, as agents, as they may deem necessary to carry out and enforce the orders, ordinances, by laws, decrees and regulations of said corporation; to prescribe their duties, and regulate their compensation or fees; and may remove all such officers at pleasure.

1838-5-49

SEC. 49. The said common council may do and perform all things necessary to carry into effect the powers granted to them by this act; and enforce obedience of all rules, ordinances, decrees, by-laws and police regulations made in pursuance of this act, by imposing penalties for the violation thereof, not exceeding one hundred dollars for any one offence, to be recovered in the name of the "town of Terre-Haute," before the mayor of said town, or before any justice of the peace of Harrison township, in an action of debt, with costs of suit.

1838-5-50

SEC. 50. Every such ordinance, by-law, police regulation or decree, imposing any penalty or forfeiture for a violation of its provisions, shall after the passage or adoption thereof, be published for three weeks successively in some public newspaper printed in said town, and proof of such publication by the affidavit of the printer or publisher of said paper taken before any person authorized to administer oaths, or any other competent proof of such publication, shall be conclusive evidence of the legal promulgation and existence of such ordinance, by-law, police regulation or decree in all courts and places.

1838-5-51

SEC. 51. In all actions brought to recover any penalty or forfeiture incurred under any ordinance, by-law or police regulation made in pursuance of this act, it shall be lawful to declare in debt generally, for such penalty or forfeiture, stating the by-law, ordinance, or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence; and the defendant in like manner may plead the general issue to such action, and give all matters of defence in evidence under that issue.

1838-5-52

SEC. 52. The first process in any such action, shall be a capias or warrant, and execution may be issued immediately on the rendition of judgment, and all expenses incurred in prosecutions for the recovery of

any penalty or forfeiture as aforesaid, shall be defrayed by the corporation; and all penalties and forfeitures when collected shall be paid to the treasurer for the use of said town.

1838-5-53

SEC. 53. Any person against whom any judgment is rendered for any penalty or forfeiture incurred by reason of the violation of any ordinance or by-law of said corporation, who refuses to pay said judgment, or who, it appears, by the return of the officer on the execution issued on such judgment, has no goods or chattels out of which to make the same, may be committed to the jail of the county of Vigo or the corporation prison, on the warrant of the officer rendering said judgment, and before whom such execution shall be returned, for any period in his discretion, not exceeding thirty days, and such warrant shall be a sufficient authority for the jailor or keeper of the prison, to receive such person, and for the officer in whose hands it may be placed to execute it.

1838-5-54

SEC. 54. The common council shall have the sole and exclusive control of all the streets, alleys, and lanes in said town, with full power from time to time to open, grade, pave, and improve the same, and for the purpose of preventing all misunderstanding, it is hereby expressly declared that no portion of the territory within the limits of the corporation shall be included in any road district, nor shall the citizens or the property of said town be subject to taxation for county or state road purposes, any thing in the laws of this state to the contrary notwithstanding.

1838-5-55

SEC. 55. The common council shall also have the power to construct wharves and convenient landings for vessels at the termination of the streets at the river within said town, and also at any other point on said river, where the property is or may be owned by the corporation--to regulate the rates of wharfage, and to collect the same for the use of said corporation.

1838-5-56

SEC. 56. The common council shall have power to erect a town prison for the use of the corporation, and until such prison shall be erected, the jail of Vigo county shall be used for said purposes.

1838-5-57

SEC. 57. On the organization of the common council as provided by this act, all laws and parts of laws, by which the town of Terre-Haute has been incorporated, and all laws coming within the perview of this act, shall and the same are hereby repealed; and said common council shall thereupon have full authority to demand, recover and receive all books, papers, moneys and effects of the existing corporation, of and from the president and trustees and all other officers thereof, which books, papers, moneys and effects, together with all species of property

belonging to the corporation at the time of such organization of the common council, shall vest in the town of Terre-Haute, as a corporate body organized by virtue of this act.

1838-9-1

SEC. 1. That William Crooks, James Crumley, Alfred Ramey, Aaron Dewey, Ambrose Phelps, and their successors in office shall be and they are hereby constituted and declared to be a body corporate and politic by the name and style of the mayor and common council of the town of Delphi, and by said corporate name shall be forever able and capable in law and equity to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered unto, defend and be defended in all manner of suits, actions, complaints, pleas, causes, matters and demands of whatsoever kind or nature they may be, in as full and effectual a manner as any person or persons, body corporate or politic, may or can do, to make and use a common seal and the same to alter, break, change or renew at pleasure, and shall have all the incidental powers necessary to carry into effect the provisions of this act, and the objects herein contemplated, not inconsistent with the laws and constitution of this State or of the United States.

1838-9-2

SEC. 2. The corporate limits of said town shall include all the territory extending for one half mile in each direction from the centre of the court house in the town of Delphi, in Carroll county: Provided, the southern limits of said corporation shall not extend beyond the south bank of Deer creek, and also extend over the Wabash river in front of all additions now laid off or hereafter to be laid off to the town of Delphi, and shall also include all additions which are now or may hereafter be laid off to the town of Delphi, by whatever name they may be called, shall now or so soon as laid off constitute a part of said corporate town. The said mayor and common council shall have power, from time to time to lay off said corporate territory, into such number of wards, as may be convenient; and on the first Monday in September next, and annually thereafter, there shall be an election held at some convenient place in each ward, to be designated by the corporate authority of said town, the electors of each ward voting for a mayor, a resident of the said town, and for such number of common councilmen, resident in such ward as the mayor and common council may prescribe, at which election, each voter having the qualifications necessary to vote for state officers, who shall have resided for six months next preceding such election within the corporate limits of said town, shall be entitled to vote; ten days previous notice of which election shall be given by publication to be made in such manner as the mayor and common council may direct. The election shall be conducted by an inspector, in each ward, having the qualifications of a voter therein, to be previously appointed by the mayor and common council, which inspector shall select two qualified voters of his ward to act with him as judges of such election; they shall appoint a clerk, and having taken an oath or affirmation, which oath or affirmation may be administered by said inspector, to said judges and clerks and by one of said judges to saie

inspector, faithfully to discharge their respective duties as judges and clerks, shall proceed to receive votes as aforesaid, between the hours of ten o'clock A. M. and four o'clock P. M. on said day. The judges shall determine the qualifications of voters, for which purpose the inspectors shall administer to the voter the necessary oath. If no inspector shall be present at the hour for opening such election, the voters present shall elect one viva voce, to act as inspector in manner aforesaid. It shall be the duty of the said judges in their several wards, to certify in words at full length within three days after such election, to the mayor and common council, under their hands, the names of all the persons voted for, as mayor with the number of votes they respectively received, and the names of the persons (to the number to be elected,) receiving the highest number of votes for common councilmen, which certificate shall be filed and spread at full length upon the records of said corporation, and the persons receiving the highest aggregate number [of] votes for mayor in all the wards of said town, shall be deemed to be legally elected to said office, and the persons so certified by the judges as having received the highest number of votes, for common councilmen, shall be deemed duly elected for the term next to ensue, and shall receive from the clerk of the corporation a certificate of their election. In case there should be a tie between any persons at said elections, the result shall be determined by lot, to be drawn by the judges in their several wards, in case of common councilmen; and by the mayor and common council in the case of mayor. No person shall be competent to be elected mayor unless he be at the time a qualified voter of the ward for which he is elected. When a mayor is elected as aforesaid, the clerk of the corporation shall certify the fact to the clerk of the circuit court of Carroll county, who shall immediately forward a certified copy of the same to the office of the Secretary of State.

1838-9-3

SEC. 3. The term of office for the persons named in the first section of this act, shall continue until their successors are appointed at the first election as above provided for and qualified. They shall elect one of their number to serve as mayor, and their successors shall respectively serve, the mayor for the term of two years, and the members of the common council for one year from the time of their election, and until a quorum of their successors are elected and qualified. A failure to elect a mayor and common council at any annual election, shall not dissolve the corporation, but the persons then in office shall continue until an annual election happens. The members of the common council, before entering upon their duties shall take an oath or affirmation, faithfully, diligently and impartially to discharge their respective duties; and the mayor shall take a similar oath, and to support the constitution of the United States and the constitution of the state of Indiana, a certificate of which oath shall be filed and recorded by said corporation, and in the case of the mayor, with the clerk of the circuit court of said county. The mayor shall preside at all meetings of the board, or in case of absence, a president pro tempore may be elected. When vacancies happen either in the office of the mayor or common

councilmen, by death, resignation, removal, refusal to qualify or otherwise, such vacancy may be filled by the appointment of the remainder of the board. A removal of residence from the corporate limits of the town, shall be deemed to vacate the office of mayor or common councilman. A majority of said board shall at all times form a quorum; they shall meet on their own adjournments or by the appointment of the mayor, or any three of the common councilmen, in cases of emergency. They shall appoint a clerk, marshal and all other officers and servants necessary to carry into effect the powers conferred by this charter, who shall be subject to the rules prescribed by the corporation, and hold their offices during the pleasure of the mayor and common council.

1838-9-4

SEC. 4. The mayor and common council shall have power to ordain, order, establish and put in execution, such by-laws, ordinances, and regulations, as to them may seem necessary for the good government and police of said town, not inconsistent with the laws of the United States or of this state; to keep in repair and remove any obstructions in the streets, alleys, public square, and commons in said town; to declare what shall be deemed nuisances, and to prevent and remove the same, for which purpose their jurisdiction shall extend for one mile in each direction from said court house; to regulate fire companies, to restrain and prohibit gambling, breaches of the peace, or any disorderly conduct, to establish and regulate market houses and markets, to sink and keep in repair public wells: to establish the grade of streets; to construct docks, piles, basins, and wharves, and to regulate the manner of payment and collection of wharfage; to make all necessary quarantines or other regulations for the preservation of the public health; to possess and regulate a public burying ground, within or beyond the corporate limits of said town, to regulate the place of interment therein, and to enact such laws and regulations, and exercise such powers as may be necessary to carry into effect the objects herein contemplated, or as are usually exercised by similar corporations. They shall keep a journal of all their proceedings, which shall be signed by the mayor, or president pro tempore, and attested by the clerk; on the decision of any question, the ayes and noes may be demanded by any two members, and shall be recorded; and a majority of all the members of the common council present shall be necessary to determine any question.

1838-9-5

SEC. 5. Upon any question to be decided by said board in its corporate capacity, the mayor shall have no vote. No ordinance or by-law of a public nature, shall take effect until a copy thereof attested by the signatures of the mayor and clerk, shall have been published two weeks successively in one of the public newspapers of said town; or by being posted [up] ten days, in one public place in each of the wards of said town, the fact of which publication having been entered upon the records of said corporation, shall be prima facie evidence in all courts and elsewhere, that such publication was made. All ordinances and

by-laws of a private nature shall be in force from their passage, or from such determinate period as such ordinance or by-law may prescribe, without publication. It shall not be necessary to authenticate any ordinance or by-law under the seal of the corporation, and the existence of any such ordinance or by-law or of any other act, or order of said corporation, may be proved by a written copy thereof taken from the records of the corporation, certified by the mayor, and attested by the clerk, under the corporate seal.

1838-9-6

SEC. 6. The said mayor and common council shall have full power and authority to assess and cause to be collected, from each male inhabitant of said town, of full age, sane and not a pauper, each year a poll tax, not exceeding that assessed for county purposes, and a tax on real and personal property, of any and every description, and also a tax on any business, trade or occupation or profession, on all shows, exhibitions, and amusements which may be exhibited or performed for gain, a tax for each performance or for any determinate period, and to provide for the collection of such taxes, by distress and sale of the property liable to such taxation or belonging to the person so taxed, in such manner as the said corporation may order or direct, but no lands shall be sold for the taxes due thereon, except in the manner hereinafter authorized. They shall have power at any time to provide for the assessing and collecting in manner aforesaid, special taxes for the pavement or improvement of any street, side-walk, or section thereof; or of any public wharf, landing, bason, or harbor, or any other improvement contemplated by this act, to be levied and collected in proper proportions upon the person or property especially benefitted by such improvement; which taxes shall be collected and applied to the proper purposes, by the corporation in the first instance, or if the corporation shall so determine, not until default has been made by the owner or occupant of the property, so to be benefitted in the making of his proper proportion of such improvement, having been thereto reasonably notified by said corporation.

1838-9-7

SEC. 7. Taxes so as aforesaid assessed, upon real estate by said corporation, shall constitute a lien on such real estate, until paid, having preference to all other liens or claims of whatsoever age, except the claim of the state or county thereon for taxes, or a lien accruing by a prior mortgage to the state, and in default of the payment of such taxes when due, the said corporation shall have power and authority, by their proper officer, to seize said lot or parcel of land, and after having given notice thereof by advertisement in a newspaper printed and published in said town, if there be no newspaper, then by written advertisements thirty days prior thereto, shall proceed to expose to sale at the court house in said town, the lots or parcels of land so seized as aforesaid, or so much thereof, (by such division as the said collecting officer may think just and right,) as will pay the taxes thereon, and the costs and charges of such seizure, notice and sale, at public auction to the highest and best bidders; and when any lot or tract of land or part

thereof, shall be sold as aforesaid, the said collecting officer shall give to the purchaser a certificate in writing describing the same with specific certainty, the sum paid therefor, and the time when the purchaser will be entitled to a deed for such lot or tract or part thereof, and if the owner or claimant of the lot or parcel of land described in such certificate, shall not within two years from the date thereof pay to the purchaser or his heirs or assigns or to the clerk of said corporation for the use of said purchaser his heirs or assigns, the sum mentioned in said certificate, together with interest thereon, at the rate of one hundred per centum per annum, together with such other taxes, costs and charges upon the tract of land mentioned in said certificate, as may have accrued under the laws of this state, or the ordinances of said corporation, and all amount paid to the state upon such mortgage lien as aforesaid, if the same have been paid by the said purchaser, his heirs or assigns and vouchers of the payment thereof be deposited with said clerk or produced to such owner or claimants, the said collecting officer, or his successor, shall, after the expiration of the said two years, execute to the said purchaser, his heirs or assigns, in the name of the state of Indiana, a conveyance of the lot or parcel of land so sold as aforesaid, which conveyance shall vest in the person to whom it is given an absolute estate in fee simple, subject to the claim of the state or county for all taxes, costs, charges and privileged mortgage lien as aforesaid, accrued upon such lot or tract of land, and such conveyance shall be prima facie evidence that the sale was regular according to the provisions of this act and the ordinances of said corporation; and every such conveyance to be executed by such collecting officer or his successor, and duly acknowledged before any officer authorized to take acknowledgments of conveyances, may be recorded and have like force and effect as other conveyances acknowledged and recorded.

1838-9-8

SEC. 8. It shall be the duty of the mayor or common council once in each year to publish a statement of the receipts and expenditures of said corporation during the preceding year to be affixed to the court hour door in said town, or published in a newspaper printed therein.

1838-9-9

SEC. 9. The said mayor and common council and their successors shall be capable of holding by purchase, donation, devise, or bequest, any personal or real property that may be thought advisable for the welfare and convenience of said town, not exceeding fifty thousand dollars, and the same to dispose of in such manner as may seem most beneficial to the citizens of said town; to receive mortgages upon real estate or other security for the payment of money, and to contract for the borrowing of money and for the repayment of the same.

1838-9-10

SEC. 10. All suits against said corporation shall be commenced by summons and the process shall be served on the mayor or any two of the members of the common council, and all actions against said corporation shall be local to the county of Carroll: Provided, that the

venue may be changed after the suit is commenced, as in other cases, and the justice of the peace of said county shall have jurisdiction in suits where said corporation is defendant, subject to the same restrictions and limitations as in case of natural persons. No appeal bond shall in any case be required of said corporation.

1838-9-11

SEC. 11. All contracts made by said corporation in pursuance of the ninth section of this act, shall be signed by the mayor and attested by the clerk, and have the seal of the corporation affixed; and all other contracts requiring the seal of said corporation, shall be signed by the same officer: Provided, that said corporation shall be liable in an action of assumpsit for work and labor done, or goods, wares, and merchandize sold and delivered in pursuance of any order of said corporation.

1838-9-12

SEC. 12. Whenever the owner or occupant of any real estate, in said town, shall feel aggrieved or injured by the construction of any work made under the authority of said corporation, he shall make out a complaint in writing particularly describing the injury of and interest of such complainant therein, and file the same with the clerk of the corporation and at their first regular meeting thereafter the said mayor and common council shall appoint three persons to assess and appraise the damages of the complainant, and shall fix the time and place of their meeting, who after being duly sworn impartially to discharge their duty shall thereafter make out their award in writing under the hands of them or a majority of them, and return the same to the said clerk within six days thereafter, which award so made (if damages be assessed) shall constitute a charge against said corporation for which they shall be liable to such complainant in an action of debt: Provided, that either party may appeal from the award of the appraisers to the circuit court at any time within twenty days from the time it shall be so returned to the clerk; the decision of which court, in the premises, shall have the force and effect of a judgment at law. The penalty of the appeal bond when the appeal is taken by said complainant shall be fixed by the mayor.

1838-9-13

SEC. 13. The said mayor and common council shall be capable of receiving and holding all property belonging to the president and trustees of the town of Delphi, and all contracts, claims, and rights existing in favor of the last named corporation shall enure to the benefit of and be assignable to the said mayor and common council, and they shall be accountable for all liabilities now resting upon the said president and trustees of the town of Delphi; and so soon as the persons named in the first section of this act shall have elected a mayor, and the said mayor and common council shall have been qualified into office, the said corporation, the president and trustees of the town of Delphi, shall be dissolved.

1838-9-14

SEC. 14. For the better regulation of said corporation the said mayor and common council may pass such by-laws, ordinances and rules, regulating their own conduct and imposing such penalties upon members for a breach of any of their rules and regulations as they may conceive conducive to the public good.

1838-9-15

SEC. 15. The said mayor when such certificate as aforesaid is filed in the office of the secretary of state shall receive a commission from the governor. He shall be, and is hereby constituted and declared to be a judicial officer with power to administer oaths, and hear and determine all penal and criminal causes arising within the limits of said corporation, which justices of the peace have jurisdiction to hear and determine and generally to do and perform in matters of a criminal nature arising within said town, all these things which justices of the peace may do. He shall have jurisdiction in all suits brought by said corporation for any breach of their laws or ordinances. He shall be a conservator of the peace within said town. For all violation of any ordinance or by-laws against breaches of the peace or misdemeanors, he is hereby authorized and required on complaint made on oath, or on view without complaint, forthwith to issue his warrant and cause any person charged with a violation of such by-laws or ordinances to be arrested and brought before him to answer the said mayor and common council of the town of Delphi upon such charge, and shall try the same if the penalty imposed by such by-laws or ordinances do not exceed three dollars. If the penalty exceed three dollars, he shall try the same unless the defendant demand a jury, in which case he shall issue a venire and cause such jury to be summoned and empaneled to try the cause, and shall thereupon proceed according to the usage of the courts. In all other actions brought by said corporation for a breach or violation of any ordinance or by-law, the mayor shall issue a summons against the defendant if he be a householder within the limits of said corporation, which summons shall specify a certain time not less than three nor more than twenty days from the date thereof, and also a certain place at which the defendant shall appear and be served at least three days before the time of such appearances in the manner that constables are required to serve summonses issued by a justice of the peace. When the value in controversy exceeds twenty dollars, the defendant may demand a jury to be summoned and empaneled as above.

1838-9-16

SEC. 16. The mayor may grant continuances in all causes before him in the same manner as justices of the peace may do; he may issue the necessary process for conducting causes over which he has jurisdiction, and for carrying his judgments into execution, he may collect and receive the same fees as are allowed to justices of the peace for similar services. All process to be issued by him shall be attested by his official signature, and have the seal of the corporation affixed, except subpoenas, which he may issue without the corporate seal.

When acting as a judicial officer, he shall keep a record of his proceedings in all cases tried before him and all judgments entered thereon shall be signed by him, which record or part thereof or a transcript of any cases therein, certified by him under the seal of said corporation, shall be evidence in any court; such transcript shall be furnished to any person applying therefor and tendering the fee for the same; judgments shall be rendered by the mayor within three days after the hearing of any cause, and judgments and executions rendered and issued by him, shall have the same lien, force and effect as judgments and executions from justices of the peace; and transcripts of such judgments may be filed in the circuit court and execution ordered thereon in like manner as is provided in cases of judgments rendered before justices of the peace. The process issued by the mayor may be served at any place within the county of Carroll, and witnesses in his court shall be entitled to the same fees as witnesses before justices of the peace. Upon vacating his office he shall transmit his judicial record to his successor who shall be authorized to proceed upon the same in like manner as justices of the peace can with the dockets of their predecessors.

1838-9-17

SEC. 17. The marshal, before entering upon his duties, shall take a like oath to the one required of the mayor in this act, a certificate of which shall be filed in like manner with the clerk of said corporation. He shall be authorized to serve and execute all process issued by the mayor, and in all cases not especially provided for in this act or in the by-laws or ordinances of said corporation, shall be governed by the law regulating the conduct of constables in similar cases; it shall be his duty to suppress all riots, affrays, and breaches of the peace and unlawful assemblies contravening the ordinances of said corporation, or the penal laws of the state; to apprehend and bring before the mayor on view or on warrant, all such offenders, and in discharge of such duty he may call to his aid the power of the country or necessary assistance, he shall give information to the mayor of any breach of good order in said town for the purpose of having the offender brought to justice. His fees for all ministerial services shall be the same as those allowed to constables for similar service. All process issued by the mayor may be served by a constable if it be directed to him instead of the marshal.

1838-9-18

SEC. 18. All forfeitures on penalties imposed by any ordinance or by law of said corporation shall enure to the use of said corporation, and may be recovered by action of debt in any court having competent jurisdiction.

1838-9-19

SEC. 19. It shall be the duty of the keeper of the jail of Carroll county to receive into his custody any prisoner or prisoners who may from time to time be committed to his charge under the authority of said mayor, and to safely keep every such prisoner or prisoners according to the warrant or process of commitment until he, she, or

they shall be discharged by due course of law.

1838-9-20

SEC. 20. In any suit or judicial proceeding wherein said corporation is a party it shall not be necessary to prove themselves a corporation, but the burthen of proof to the contrary shall be on the other party, and all offices de facto of said corporation shall be presumed to have been legally elected and qualified.

1838-9-21

SEC. 21. It shall not be lawful for any person or persons other than tavern keepers within the bounds of said corporation to sell by a less quantity than one quart at a time of spirituous liquors, foreign or domestic, or keep what is commonly called a tippling house unless such person or persons, shall in addition to a license obtained from the board doing county business, obtain also a license from the corporation which is hereby authorized to grant the same to such applicant or applicants for one year on his, her, or their paying into the treasury of the corporation a sum not exceeding two hundred dollars, and not less than twenty dollars, at the discretion of the corporation. And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she or they so offending, shall upon conviction thereof upon presentment or indictment, or otherwise, before any court having competent jurisdiction thereof, be fined in any sum not exceeding fifty nor less than five dollars, for the use of the county seminary of said county; Provided, That nothing herein contained, shall be construed to release tavern keepers from any of their penalties, restrictions, or regulations, provided by the general law now in force in relation to the corporation of towns, and that, providing for the license and regulation of taverns.

1838-9-22

SEC. 22. No recovery on suit by said corporation upon any penal ordinance or by-law shall be a bar to a prosecution in the name of the State for the same offence.

1838-11-1

SEC. 1. That Seth Hinshaw, John Lawrence, Hezekiah Patterson, Jesse Sanders, Exum Saint, Elwood Stanley, and Nathan Hunt, Esqrs., be, and they are hereby appointed trustees of the town of Greensboro', to serve as such until the first Monday in March, 1838, and until their successors are elected and qualified as herein directed.

1838-11-2

SEC. 2. That the president and trustees of the town of Greensboro' and their successors in office, shall be, and they are hereby declared to be a body corporate and politic, by the name and style of "The President and Trustees of the Town of Greensboro," and by said corporate name, shall be forever able, and capable, in law and in equity, to sue and be sued, plead and be impleaded, answer and be

answered unto, defend and be defended in all manner of suit, action, complaints, pleas, causes, matters and demands, of whatsoever kind or nature they may be, in as full and effectual a manner as any person or persons, bodies corporate or politic may or can do.

1838-11-3

SEC. 3. The president and trustees shall have power to pass such laws, ordinance, and decrees, as may be necessary to guard against damage by fire, to regulate the duty and conduct of the citizens in relation to the same; to regulate and govern the markets; to prevent the erection of public nuisances, and remove the same; to declare what shall be considered a public nuisance, and generally to enforce by proper penalties, the observance of all laws and ordinances, relative to the peace and government of said incorporated town.

1838-11-4

SEC. 4. It shall be the duty of the president and trustees to hold an election on the first Monday in March, 1838, and annually thereafter, for the purpose of electing seven trustees and one marshal, a certificate of which election, under the hand of the president, and recorded by the clerk, shall be sufficient authority for the persons elected as trustees, after being sworn or qualified, to enter upon their respective duties. And also for the person elected as marshal, to enter upon his duties as soon as he shall be qualified as is in this act required: Provided, however, That the election for trustees and marshall shall be held between the hours of one and four o'clock, P. M. Provided, also, That if the electors shall fail to meet and elect trustees and marshal, those in office, shall so continue, until others shall be elected at some subsequent annual election.

1838-11-5

SEC. 5. No person shall be entitled to vote at any election, held for the benefit of said incorporation, who is not qualified to vote for members of the legislature of this State, and also being a citizen within the said incorporation: Provided, however, That this shall not be so construed as to prevent any citizen freeholder from voting at any election after he shall have paid a public corporation tax.

1838-11-6

SEC. 6. The president and trustees elected agreeable to the provisions of this act, shall within ten days thereafter, take an oath or affirmation, faithfully, diligently, and impartially to discharge their duties as trustees; after which they shall elect one of their own body to preside as president at their meetings, (at which a majority shall rule,) but in case of his absence, a president pro tempore shall be appointed; when any vacancy shall occur in any office of the said incorporation, by death, resignation, or otherwise, such vacancy shall be filled by the appointment of the president and trustees, until the next annual election; a majority of said trustees shall at all times form a quorum to do business. They shall meet on their own adjournments, or by the appointment of the president, or any three of the trustees in cases of

emergency; shall appoint all officers necessary to carry into effect the provisions of this act, and allow them such compensation as to them may seem reasonable and proper for their services; and it shall be the duty of the president to sign all their by-laws, journals, ordinances, and minutes, at the end of each meeting, which shall also be attested by the clerk of the corporation, and after a copy thereof of a public nature, (signed by the president and attested by the clerk,) shall be posted up in some public place in said incorporation, such law or ordinance shall be in full force, all others from and after their passage and assignment as aforesaid.

1838-11-7

SEC. 7. The president and trustees shall have power to levy and collect, annually, a tax not to exceed one sixteenth per centum per annum, on all real and personal property, except houses, lots, or other property belonging to and for the special use of public worship, public schools, or public grave yards: and on all shows, exhibitions, or amusements exhibited for gain, a tax of not less than three nor more than twenty dollars, shall be laid for each exhibition: Provided, That the president and trustees shall hereby have power, at any time, to levy and collect a tax on any specific article or articles or personal property, with provision that such article shall not be taxed but once a year; which taxes with all others, and all fines and forfeitures, accruing under this act, shall be paid into the treasury of the corporation, subject to the order of the president and trustees, for the use of the incorporation.

1838-11-8

SEC. 8. It shall be the duty of the president and trustees, at their first meeting, or as soon thereafter as may be convenient, to proceed to elect or appoint a clerk, treasurer, and lister, to serve for the term of one year, or until their successors shall be appointed or elected and qualified; and they shall possess the same qualifications as trustees; take a similar oath or affirmation, and with the marshal give bond and security, conditioned for the faithful discharge of their respective duties; and on failure to perform any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees aforesaid, who may assign breaches upon the conditions of said bond, or other cause, and recover a judgment for any default in the discharge of the duties of such officer, together with full costs and ten per centum damage thereon, in any court having jurisdiction of the same, on which judgment there shall be no stay of execution.

1838-11-9

SEC. 9. It shall be the duty of the lister, from and after the first day of May in each year, to make a fair list and assessment, in alphabetical order, of all lots, parts, or fractions of lots, particularly noting the number and description thereof, the owner's name, if known, and whether resident or non-resident, and all other such taxable property as the trustees may direct him to list, and make return thereof to the president and trustees, on or before the twenty-fifth day of the same month.

1838-11-10

SEC. 10. It shall be the duty of the president and trustees to levy and cause to be made out the assessment of tax on or before the first day of June in each year, in order that the marshal, whose duty it shall be to collect the same as due from each individual and pay all moneys thus collected into the treasury on or before the thirtieth day of the same month, and in all cases where the taxes assessed are not paid by that time by any individual, it shall be the duty of the marshal to proceed and collect the same by distress and sale of any of the personal property of such delinquent, subject to execution by the laws of this state, by giving ten days notice of the time and place of said sale, by advertisements set up in three public places in said incorporation.

1838-11-11

SEC. 11. In all cases where the taxes due and owing cannot be made of the personal property of said delinquent, it shall be duty of the marshal to make sale of the lot, lots or fractions of lots belonging to such person or so much thereof as will pay said taxes with the costs due thereon by giving ten days notice of the time and place of said sale, by posting up five written notices thereof in the most public places in said town, in which he shall describe the lot or lots to be sold by their proper number or some other certain description with the owners name, if known or to whom it is supposed to belong and file one of said advertisements with the clerk of the corporation, to be by him filed among the records of the same; and the marshal shall, on the day of sale, by proclamation, proceed to sell said lot or lots to the highest bidder or to the person who will pay the tax and costs due for the smallest portion of the lot or lots so offered for sale, and shall give such purchaser a certificate of such purchase, the amount paid including the tax and costs, and that said purchaser will be entitled to a deed for the same at the end of two years, unless the owner or some person for him, her or them shall redeem the same on or before that time, by paying to said purchaser, his, her or their heirs or assigns, the amount of said purchase money with one hundred per cent. thereon or deposit the same with the clerk of the incorporation, whose duty it shall be to make an exhibit of the same to the president and trustees at their next meeting, which if correct shall be entered on record.

1838-11-12

SEC. 12. And if in case the owner of any lot or fractional lot so sold as aforesaid, his, her or their agent or attorney, with the costs and per cent. thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the marshal then in office to make a deed to the purchaser, his, her or their heirs or assigns, for such lot or fraction of lot, which deed acknowledged and recorded agreeable to law, shall vest the right and title to said real estate in the purchaser, his heirs or assigns forever, and divest the owner or owners of any title thereto; and the assessment made on any such lot or lots shall be a lien on the same in the hands of any person who may purchase the same at private sale; and no conveyance made by the owner of such lot after the time of such assessment, shall so divest the owner thereof of the title

to said lot as to interfere with the claim of the purchaser under the provisions of this act.

1838-11-13

SEC. 13. All moneys in the treasury on the first day of September in each year, shall be divided among the wards in proportion to the amount of taxes levied and assessed on each ward for that particular year, to be laid out by the president and trustees, to improve the streets of said ward in such manner as a majority of the citizens thereof may direct.

1838-11-14

SEC. 14. The president and trustees shall divide the incorporation into as many wards or districts as to them may seem necessary, subject however to their alteration at any time, and whenever a majority of their owners of any lots or parts of lots in any ward or district shall be desirous of improving the streets or parts of streets thereof by grading, graveling or any other improvement thereon, they shall by petition represent to the president and trustees, plainly and distinctly the improvement to be made, and it shall be the duty of the president and trustees to cause the same to be made in the most economical manner agreeable to the wish of said petitioners; and for the expense of such improvement, the president and trustees shall levy and assess on all lots or parts of lots fronting the streets or section of street in said ward or district in equal proportion to the part of each lot, which assessment from the time of making the same shall be a lien upon said lot or lots until the amount of said levy and assessment shall be paid and discharged, and it shall be the duty of the clerk of the incorporation to enter such petition on record with the petitioners' names, the amount of front owned by each individual, and shall make out and deliver to the marshal a list of the owners' names, with the front owned by each individual, the rate of expenses on each lot for such improvement, and the whole amount assessed and levied on each lot or part of lot, which list signed by the president and certified by the clerk, shall be sufficient authority for the marshal to proceed and collect the same, and if any owner of any lot or part of lot shall neglect or refuse to pay the amount so assessed and levied within three months after such levy and assessment, the marshal shall then proceed to collect the same by sale and conveyance of such lot or part of lot in the same manner as in this act made and provided for the collection of other taxes in this act specified.

1838-11-15

SEC. 15. That whenever a majority of the citizens of any ward shall agree thereto, each person shall grade and gravel or pave a sidewalk if necessary, of eight feet at least, in front of his own lot or lots at his own expense, in such manner as shall be acceptable to the president and trustees; and if any citizen or freeholder, shall for the space of six months thereafter neglect or refuse to improve his sidewalk, the president and trustees shall procure the same to be done and tax said citizen or freeholder with the expense thereof, and proceed to collect

the same as in other cases made and provided for the collection of taxes under this act.

1838-11-16

SEC. 16. The limits of the incorporation shall extend to and embrace the plat of the town of Greensboro, including any additions which have been or may hereafter be made thereto, as the same is or may hereafter be entered of record in the recorder's office of said Henry county.

1838-11-17

SEC. 17. It shall not be lawful for any person or persons within the boundaries of said corporation, to sell by less quantity than one quart, except for the use of the sick, any spiritous liquors foreign or domestic, or keep what is commonly called a tippling house unless such person or persons shall, in addition to a license obtained from the board doing county business, obtain a license from the incorporation, who is hereby authorized to grant the same to such applicant for one year or less, at one time, on his, her or their paying into the treasury of the corporation, a sum not less than five dollars, nor exceeding the amount which the board of county commissioners are authorized to demand for a license for the retailing of spiritous liquors in the said county of Henry, at the discretion of the said president and trustees of said corporation. And if any person or persons shall sell any spiritous liquors or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she or they so offending, shall upon conviction thereof, in an action of debt, or on the case, brought by the president and trustees against the offender or offenders, before a justice of the peace or any court having jurisdiction thereof, recover any sum of money not more than twenty nor less than three dollars, for any violation of this act; and shall upon conviction thereof by presentment or indictment, (in which indictment it shall not be necessary to recite this act), in any court having competent jurisdiction be fined in any sum not more than fifty nor less than five dollars for the use of the county seminary: Provided however, that nothing in this section shall be so construed as to prevent taverns licensed by the county board from retailing to travelers and them only without a corporation license, which traveler shall be defined by the president and trustees, and such tavern keeper shall not be hereby allowed to suffer any quantity of spiritous liquors bought of him to be drank within his house or premises, except to said travelers, and for a violation of this provision, said tavern keeper shall be liable to all the pains and penalties in this section made and provided with respect to retailers in general; and for the better regulation of the peace and good government of said town, the president and trustees are hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting or whatsoever may detract from the peace and good of society.

1838-198-1

SEC. 11. That so much of an act entitled "an act to incorporate the town of Milton, in Wayne county," as includes the property of John B.

Walker on which he now resides within the boundaries of said corporation, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.